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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,063	09/11/2003	Margaret A. R. Beynon	GB920020082US1	6190

7590
IBM Corporation
IP Law Department
11400 Burnet Road
Austin, TX 78758

09/13/2007

EXAMINER	
NUNEZ, JORDANY	

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
09/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/660,063	Applicant(s) BEYNON ET AL.	
	Examiner Jordany Núñez	Art Unit 2179	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

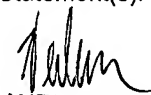
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: none.
 Claim(s) objected to: none.
 Claim(s) rejected: 1-31.
 Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.


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SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: The amendment to claim 29 (e.g., a computer readable set of [...]) seems to make the claim non-statutory. Computer instructions, per se, are not statutory claim matter.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that:

1) Okada discloses a method for disclosing degrees of importance of keywords and not means creating a second message with context added. Mandato fails to cure the defects of Okada. Mandato discloses a method for conveniently managing user profile information in a unified instant messaging system (page 14, first paragraph).

Examiner disagrees.

Okada teaches a client PC, 125 shown in FIG. 1, parsing a message (i.e., a first message) uttered by another client PC, stores a keyword, its degree of importance and a manner in which the keyword should be indicated or notified corresponding to the degree of importance of that keyword, and indicates the keyword to the user of the client PC 125 (i.e., creating a second message with context added) (column 5, lines 42-52), said indication of the keyword (i.e., added context) including generation of audio, change of typeface, or change of color (figure 1b).

2) Okada and Mandato show no recognition of adding context to a chat transcript (page 14, second paragraph).

Examiner disagrees.

Mandato recognizes that providing a different visual indication for each received message depending on the degree of importance given to a keyword in each received message would have been desirable (column 1, lines 53-57)

3) Okada and Mandato are complete and functional as individual references, and there would be no reason to use parts from or add or substitute parts to any reference. Okada teaches determining key words and determining the degree of importance of the keyword. Mandato teaches a method for conveniently managing user profile information in a unified instant messaging system. The combined references do not teach adding context to a chat transcript. Each reference stands independent of the others and no motivation exists to combine parts from any reference (page 14, third paragraph).

Examiner disagrees.

Okada teaches an Internet relay chat client machine (column 1, lines 15-21) and Mandato teaches an instant messaging broker (IMB) system (paragraphs [0021]-[0026]). One of ordinary skill in the art would readily understand that a chat system and an instant messaging system are related, and thus there is ample motivation for combination by virtue of the systems being related.